

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-758

January 31, 2001

PUBLIC UTILITIES COMMISSION
Investigation into Use of Central Office
Codes (NXXs) by New England Fiber
Communications, LLC d/b/a Brooks Fiber

ORDER APPROVING
REQUEST OF BROOKS
TO ADD ADDITIONAL
PRIs FOR GWI

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order we grant Brooks Fiber's request to provide additional PRI circuits to GWI. On January 5, 2001, Brooks Fiber requested that the Commission grant approval for Brooks to provide that additional capacity to GWI, one of the existing customers for its grandfathered regional exchange (RX) service. In our prior orders we have found that Brooks had offered the service on an unauthorized basis, but also required it to file rates, terms and conditions for the service on a grandfathered basis for those customers who were subscribers at the time of the Commission's findings and Order No. 4, issued on May 26, 2000 and June 30, 2000. In Part I of Order No. 4 (May 26, 2000), we stated:

Brooks may provide reasonable additional quantities of the service to the existing customers, but only upon approval of the Commission and only if, in doing so, Brooks does not require the use of any further NXX codes or additional blocks of 1000 numbers within the existing 54 non-Portland codes that it is presently using.

At the time of Order No. 4, Brooks had provided GWI with 56 Primary Rate ISDN (PRI) circuits. The circuits run between Brooks's switch in Portland and GWI's facilities, also in Portland. On September 21, 2000, we allowed Brooks to provide GWI with an additional 16 PRI circuits. GWI presently is authorized to have 72 circuits. As of January 23, 2001 it was using 70 circuits, but expects to be using 72 by the date of this order.

In the current filing, Brooks has asked for authority to provide Brooks with an additional 10 PRIs in order to satisfy increased demand. Based on further inquiry, it appears that GWI has projected a need for a total of 92 PRIs (or 20 more than are now authorized) by mid-May. We find that it is reasonable to authorize 100 PRI circuits at this time. GWI uses only one telephone number in each of the 54 NXXs that were assigned by the North American Numbering Plan Administrator (NANPA) to Brooks (including the NXXs that the NANPA must reclaim in May 2001.) Accordingly, the additional PRIs will not result in a need for Brooks to use additional NXX codes, or 1000-number blocks within the existing codes that are outside of its Portland area exchange.

Dated at Augusta, Maine, this 31st day of January, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.